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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,006	01/05/2000	ARNAUD GOURDOL	P2413-515	1054

21839 7590 10/18/2005

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EXAMINER	
NGUYEN, LE V	
ART UNIT	**PAPER NUMBER**
2174	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/478,006	GOURDOL ET AL.	
	Examiner	Art Unit	
	Le Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *7/25/05*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,8,13,16-24,27-29,41,42,45,46,49,50,56-73,76 and 77* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *3,8,13,27-29 and 56* is/are allowed.

6)☒ Claim(s) *16-24, 41, 42, 45, 46, 49, 50, 57-73, 76 and 77* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to an amendment filed 7/25/05.

2. Claims 3, 8, 13, 16-24, 27-29, 41, 42, 45, 46, 49, 50, 56-73, 76 and 77 are pending in this application. Claims 3, 8, 13, 16, 19, 22, 27, 30, 41, 42, 44-46, 48-50, 52, 56, 57, 61, 63, 66, 69, 71 and 77 are independent claims; claims 1, 2, 4-7, 9-12, 14, 15, 25, 26, 30-40, 43, 44, 47, 48, 51-55, 74 and 75 are cancelled; claims 41, 42, 45, 46, 49, 50, 72 and 77 are amended; and, claims 3, 8, 13, 27-29 and 56 are allowed. This action is made Final.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4. Claims 41, 42, 45, 46, 49 and 50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "[A]nd wherein at least one of the plurality of icons represents an object that contains multiple objects and has a size *equal* to a *cumulative* size of the multiple objects", of lines 3-5 of claims 41, 42, 45 and 46 as well as lines 7-9 of claim 49 is not properly described in the application as

examiner will interpret these passages to mean: and wherein at least one of the plurality of icons represents an object that contains multiple objects.

Claim Rejections - 35 USC § 103

5. Claims 16-24, 41, 42, 45, 46, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarella et al. ("Sciammarella", US 6,570,582) in view of Screen Dumps of Microsoft Windows NT ("MS Win").

As per claim 16, although Sciammarella teaches a method for varying the size of a plurality of icons based upon an object characteristic, wherein the object characteristic is a number of files in the object, the method comprising the steps of storing icon data representative of a plurality of icon images (figs. 1-3 and 6(A-C); *wherein storing icon data, whether in cache memory, graphics memory or hard drive, is inherent in order for the icons to be displayed*), selecting individual icons for variable icon sizing (figs. 1-3 and 6(A-C); *icons are selected and sized according to a temporal relationship*), determining the object characteristic with respect to each of a plurality of objects respectively associated with the selected individual icons (figs. 1-3 and 6(A-C); col. 4, lines 41-57), automatically generating icon images of different respective sizes representing the objects, wherein the size of an icon is determined by the object characteristic (figs. 1-3 and 6(A-C); col. 4, lines 41-57; *icons of varied sizes are automatically displayed in such a manner that the most recent (current) image on that chain is the largest, while the other images on that chain decrease in size depending on their date/time of creation, retrieval, etc.*) and displaying the different sized icon

images representing the plurality of objects (figs. 1 and 2), Sciammarella does not explicitly disclose the object characteristic being a number of files in the object. MS Win teaches displaying a plurality of icons based upon an object characteristic wherein the object characteristic is a number of files in the object (figs. 1 and 2; *icons are displayed in a sequential order from left to right wherein icons with the greater number of files are displayed first, i.e. in fig. 1, icon "ACTION61" of fig. 2 with file "BACKUP" is displayed before icon "FP61" with no files in pane 220*). Therefore, it would have been obvious to an artisan at the time of the invention to include MS Win's teaching of displaying a plurality of icons based upon an object characteristic wherein the object characteristic is a number of files in the object to Sciammarellla's teaching of displaying a plurality of icons based upon an object characteristic wherein the object characteristic is a number of files in the object in order to provide users additional options in arranging displayable icons.

As per claim 17, the modified Sciammarella teaches a method for varying the size of a plurality of icons based upon an object characteristic wherein the generation step further comprises sorting icon images into an order based upon the object characteristic (Sciammarella: figs. 1-3 and 6(A-C); col. 4, lines 41-57).

As per claim 18, the modified Sciammarella teaches a method for varying the size of a plurality of icons based upon an object characteristic wherein the method comprises determining the size of the icon by associating a maximum sized icon image with an object having one extreme value for the object characteristic, associating a minimum sized icon image with an object having another extreme value for the object

characteristic and assigning sizes to the remainder of the icon images with objects, in proportion to the objects associated with the maximum and minimum sized icons (Sciammarella: figs. 1-3 and 6(A-C); col. 4, lines 41-57).

Claims 19 and 22 are individually similar in scope to claim 16 and are therefore rejected under similar rationale.

Claims 20 and 23 are individually similar in scope to claim 17 and are therefore rejected under similar rationale.

Claims 21 and 24 are individually similar in scope to claim 18 and are therefore rejected under similar rationale.

As per claim 41, although Sciammarella teaches a method for varying the size of a plurality of icons based upon an object characteristic, wherein the object characteristic is a number of files in the object and wherein at least one of the plurality of icons represents an object that contains multiple object, the method comprising the steps of storing icon data representative of a plurality of icon images (figs. 1-3 and 6(A-C); *wherein storing icon data of the Web page (wherein a Web page consist of an HTML file with associated files for graphics and scripts), whether in cache memory, graphics memory or hard drive, is inherent in order for the icons to be displayed*), selecting individual icons for variable icon sizing (figs. 1-3 and 6(A-C); *icons are selected and sized according to a temporal relationship*), determining the object characteristic with respect to each of a plurality of objects respectively associated with the selected individual icons (figs. 1-3 and 6(A-C); col. 4, lines 41-57), automatically generating icon images of different respective sizes representing the objects, wherein

the size of an icon is determined by the object characteristic (figs. 1-3 and 6(A-C); col. 4, lines 41-57; *icons of varied sizes are automatically displayed in such a manner that the most recent (current) image on that chain is the largest, while the other images on that chain decrease in size depending on their date/time of creation, retrieval, etc.*) and displaying the different sized icon images representing the plurality of objects (figs. 1 and 2), Sciammarella does not explicitly disclose the object characteristic being a size of the object. MS Win teaches displaying a plurality of icons based upon an object characteristic wherein the object characteristic is a number of files in the object and wherein at least one of a plurality of icons represents an object that contains multiple object (figs. 1 and 2; *icons are displayed in a sequential order from left to right wherein icons with the greater number of files are displayed first, i.e. in fig. 1, users may set a preference 110 so that icons are automatically displayed and arranged by size e.g. icon "ACTION61" of fig. 2 with file "BACKUP" is displayed before icon "FP61" with no files in pane 220 wherein at least one of a plurality of icons represents an object such as folders/objects 470 and "ACTION61" contain multiple objects such as file(s) and/or folder(s)*). Therefore, it would have been obvious to an artisan at the time of the invention to include MS Win's teaching of displaying a plurality of icons based upon an object characteristic wherein the object characteristic is a size of the object to Sciammarellla's teaching of displaying a plurality of icons based upon an object characteristic wherein the object characteristic is a number of files in the object in order to provide users additional options in arranging displayable icons.

As per claim 42, although Sciammarella teaches a method for varying the size of a plurality of icons based upon an object characteristic, wherein the object characteristic is a number of files in the object and wherein at least one of the plurality of icons represents an object that contains multiple object, the method comprising the steps of storing icon data representative of a plurality of icon images (figs. 1-3 and 6(A-C); *wherein storing icon data, whether in cache memory, graphics memory or hard drive, is inherent in order for the icons to be displayed*), selecting individual icons for variable icon sizing (figs. 1-3 and 6(A-C); *icons are selected and sized according to a temporal relationship*), determining the object characteristic with respect to each of a plurality of objects respectively associated with the selected individual icons (figs. 1-3 and 6(A-C); col. 4, lines 41-57), automatically generating icon images of different respective sizes representing the objects, wherein the size of an icon is determined by the object characteristic (figs. 1-3 and 6(A-C); col. 4, lines 41-57; *icons of varied sizes are automatically displayed in such a manner that the most recent (current) image on that chain is the largest, while the other images on that chain decrease in size depending on their date/time of creation, retrieval, etc.*) and displaying the different sized icon images representing the plurality of objects (figs. 1 and 2), Sciammarella does not explicitly disclose the object characteristic being an amount of memory that the object uses. MS Win teaches an object characteristic being an amount of memory that the object uses and displaying a plurality of icons based upon an object characteristic wherein the object characteristic is an amount of memory that the object uses and wherein at least one of a plurality of icons represents an object that contains

multiple object (figs. 1-3; *displaying icons based upon an object characteristic wherein the object characteristic is an amount of memory that the object uses via slider 350 wherein selection of "Type" allows "FP61", wherein the size of folder "FP61" is 2.52MB, to be displayed before "ACTIONS61", wherein the size of folder "ACTIONS61" is 987KB*). Therefore, it would have been obvious to an artisan at the time of the invention to include MS Win's teaching of displaying a plurality of icons based upon an object characteristic wherein the object characteristic is an amount of memory that the object uses to Sciammarella's teaching of displaying a plurality of icons based upon an object characteristic wherein the object characteristic is a number of files in the object in order to provide users additional options so that users may customize their desktop area.

Claims 45 and 49 are individually similar in scope to claim 41 and are therefore rejected under similar rationale.

Claims 46 and 50 are similar in scope to claim 42 and are therefore rejected under similar rationale.

6. Claim 77 is rejected under 35 U.S.C. 103(a) as being unpatentable over Screen Dumps of Microsoft Windows NT ("MS Win") in view of Sciammarella et al. ("Sciammarella", US 6,570,582).

As per claim 77, although MS Win teaches a method for varying the size of at least one of a plurality of icons displayed in a display device comprising receiving a user's selection of icons from the plurality of icons wherein the selection indicates an order in which the selected icons were selected by the user and automatically sizing

each selected icons (figs. 4-6; *after user's initial setting of window 405 to display user selected sequence in which the selected icons were selected as "Small Icons", sizing is performed automatically as indicative of large icon 470 changing to small icon 680 upon its addition in pane 600 via a drag-and-drop operation of fig. 5, and users may additionally add icons to pane 600 via the drag-and-drop operation sequentially/in an order*), MS Win does not explicitly disclose sizing icons based on its location in the order relative to other icons. Sciammarella teaches sizing icons based on its location in the order relative to other icons (figs. 1-3 and 6(A-C); col. 4, lines 41-57; *icons are sized based on its temporal location on the timeline*). Therefore, it would have been obvious to an artisan at the time of the invention to include Sciammarella's teaching of sizing icons based on its location in the order relative to other icons to MS Win's teaching of user's selection of icons from the plurality of icons wherein the selection indicates an order in which the selected icons were selected by the user and automatically sizing each selected icons so that a relationship among the icon images is clearly visible to a viewer.

Claim Rejections - 35 USC § 102

7. Claims 57-73 and 76 are rejected under 35 U.S.C. 102(b) as being anticipated by Screen Dumps of Microsoft Windows NT ("MS Win").

As per claim 57, MS Win teaches a method for varying the size of at least one of a plurality of icons displayed in a display device comprising receiving a user's selection of one of the plurality of icons and a user's indication of size for the selected icon and

sizing the selected icon individually based on the received indication of size (figs. 1-2; *method comprising user's selection of a plurality of icons in pane 100 and size indication 101/102*).

As per claim 58, MS Win teaches a method for varying the size of at least one of a plurality of icons displayed in a display device comprising repeating the receiving and sizing for a plurality of the plurality of icons (figs. 1-2; *repeating the receiving and sizing for a plurality of icons by selecting a child node in pane 100 and selecting size indication 101/102).*

As per claim 59, MS Win teaches a method for varying the size of at least one of a plurality of icons displayed in a display device comprising repeating the receiving and sizing for each of the plurality of icons (figs. 1-2; *repeating the receiving and sizing for a plurality of icons by selecting another node in pane 100 and selecting size indication 101/102).*

As per claim 60, MS Win teaches a method for varying the size of at least one of a plurality of icons displayed in a display device wherein the sizing is performed automatically (figs. 4-6; *after user's initial setting of window 405 to display "Small Icons", sizing is performed automatically as indicative of large icon 470 changing to small icon 680 upon its addition in pane 600 via a drag-and-drop operation of fig. 5*).

Claims 61 and 63 are individually similar in scope to claim 57 and are therefore rejected under similar rationale.

As per claims 62 and 70, MS Win teaches an apparatus for varying the size of at least one of a plurality of icons displayed in a display device wherein the means for

receiving receives a user's indication of size for each of the plurality of icons, and the means for sizing sizes each of the plurality of icons individually based on the corresponding received indication of size (figs. 1-2).

Claims 64, 66, 69 and 71 are individually similar in scope to claim 58 and are therefore rejected under similar rationale.

Claim 65 is similar in scope to claim 59 and is therefore rejected under similar rationale.

As per claims 67 and 72, MS Win teaches a method for varying the size of at least one of a plurality of icons displayed in a display device wherein the subset consists of one icon (figs. 1, 2 and 4-6; *method comprising user's selection of a subset of the plurality of icons in pane 100 such as "ACTION61" and size indication 101/102 wherein the subset "ACTION61" may consist of one icon such as "BACKUP"*).

As per claims 68 and 73, MS Win teaches a method and computer readable medium for varying the size of at least one of a plurality of icons displayed in a display device comprising repeating the receiving and sizing for a different subset of the plurality of icons (figs. 1-2; *repeating the receiving and sizing for a different subset of the plurality of icons by selecting another child node in pane 100 and selecting size indication 101/102).*

As per claim 76, MS Win teaches a method for varying the size of at least one of a plurality of icons displayed in a display device wherein the sizing is performed automatically (figs. 4-6; *after user's initial setting of window 405 to display "Small*

Icons", sizing is performed automatically as indicative of large icon 470 changing to small icon 680 upon its addition in pane 600 via a drag-and-drop operation of fig. 5).

Response to Arguments

8. Applicant's arguments with respect to claims 16, 56-73, 76 and 77 have been considered but are moot in view of the new ground(s) of rejection, except for the following:

(a) With respect to claim 16, MS Win does not disclose displaying icons in a sequential order based on a number of files in the object.

(b) With respect to claim 42, MS Win does not disclose displaying icons based on an amount of memory that an object uses and that this has nothing to do with sizing an icon based on a size of an object the icon represents.

(c) With respect to claim 57, MS Win fails to disclose or suggest sizing a selected icon individually based on a user's indication of size for the selected icon.

(d) With respect to claim 76, the prior art of record fails to disclose or suggest sizing icons based on a sequence in which a user selected the icons, and thus fails to disclose or suggest receiving a user's selection of icons from the plurality of icons wherein the selection indicates an order in which the selected icons were selected by the user.

The examiner disagrees for the following reasons:

Per (a), although the teaching extracted from MS Win is for an object characteristic being a number of files in the object, MS Win further teaches displaying a plurality of icons based upon an object characteristic wherein the object characteristic is a number of files in the object (figs. 1 and 2; *icons are displayed in a sequential order from left to right wherein icons with the greater number of files are displayed first, i.e. in fig. 1, users may set a preference 110 so that icons are automatically displayed and arranged by size e.g. in regards to fig. 2, folder "ACTION61", containing 1 file, is displayed before folder "FP61", containing no files, in pane 220*).

Per (b), although the teaching extracted from MS Win is for an object characteristic being an amount of memory that the object uses, MS Win further teaches displaying a plurality of icons based upon an object characteristic wherein the object characteristic is an amount of memory that the object uses and wherein at least one of a plurality of icons represents an object that contains multiple object (figs. 1-3; *displaying icons based upon an object characteristic wherein the object characteristic is an amount of memory that the object uses via slider 350, e.g. selection of "Type" allows "FP61", wherein the size of folder "FP61" is 2.52MB, to be displayed before "ACTIONS61", wherein the size of folder "ACTIONS61" is 987KB*).

Per (c), MS Win does teach a method of sizing a selected icon individually based on a user's indication of size for the selected icon wherein the method comprises receiving a selection of icon "ACTION61" and 101 or 102, thereby, sizing icon

"ACTION61" (figs. 1-2; *method comprising user's selection of a plurality of icons in pane 100 and size indication 101/102*).

Per (d), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., sizing icons based on a sequence in which a user selected the icons) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Allowable Subject Matter

9. Claim 3, 8, 13, 27-29 and 56 are allowed.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquires

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
October 5, 2005

Kristine Kincaid
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